

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Bates
Title: TIME RECORDING AND
MANAGEMENT SYSTEM
Appl. No.: 10/763,832
Filing Date: 01/23/2003
Examiner: Cheryl Lewis
Art Unit: 2167

<u>CERTIFICATE OF FACSIMILE TRANSMISSION</u> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Todd A. Rathe</u> (Printed Name) (Signature) (Date of Deposit)
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DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Todd A. Rathe, state and declare that:

1. I have information regarding U.S. Patent Application No. 10/763, 832 titled "TIME RECORDING AND MANAGEMENT SYSTEM" (hereinafter "the '832 application").
2. Prior to the July 26, 2002, the filing date of U.S. Patent Application Serial No. 10/205,204, I used the program constituting a reduction to practice of the ideas set forth in the claims 1-32 in the '832 application and described in the '832 application as evidenced by the attached Exhibit.
3. The attached entire Exhibit (including the sheets labeled "FIG. 3", "FIG. 6", "FIG 8", "FIG. 9", "EXHIBIT E", "EXHIBIT F", "EXHIBIT G", "EXHIBIT B", EXHIBIT C" AND EXHIBIT D") is an exact copy of the redacted screenshots included in US provisional application serial number 60/442,145, from which the present application claims priority. The sheet labeled "FIG. 8" evidences my use of the program as early as February 2002. I personally made the data entries which resulted in the display of the values depicted

in FIGs. 3 and 8. The notation "TAR Time Spreadsheet" evidences my use of this program in that my initials are "TAR". Each of the screenshots of the entire Exhibit were taken from a spreadsheet and associated macros which was reduced to practice before July 26, 2002. The sheet labeled "FIG. 3" indicates that the daily timesheet is for the fiscal year 2002, which in the particular circumstance ended on January 31, 2003. The sheet labeled "FIG. 8" further indicates reduction to practice and use of the program as early as February, 2002. Note that time values were calculated for the entire month of February 2002. The sheet labeled "FIG. 9" further evidences use of the program as early as 2002. The sheets labeled "EXHIBIT E", "EXHIBIT F", and "EXHIBIT G" (labels from the provisional application (60/442,145) provide software code for the program. This software code was used to generate the numerical values and other items shown in cells of screen displays depicted in the above described Figs. 3, 8 and 9. The sheets labeled "EXHIBIT B", "EXHIBIT C" and "EXHIBIT D" (labels from the provisional application (60/442,145) illustrate formulas (including associated function calls and links) in the cells of a spreadsheet. These are the same formulas used to generate the numerical values and other items shown in the cells of the screen displays depicted in the above described Figs. 3, 8 and 9.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date 2-1-2007

By Todd A. Rathe
Todd A. Rathe